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Solidarity Spokesman Testifies Before Commission

Recent events in Poland were explored at a Commission hearing on September 23, featuring Professor Janusz Onyszkiewicz, spokesman for the independent trade union, Solidarity. Professor Onyszkiewicz is the first individual to testify before the Commission who is still a citizen and resident of his native country. Subsequent to the hearing, Professor Onyszkiewicz returned to Poland.

The discussion focused on the outlook for reform in Poland, the role of Solidarity, and the impact of the Soviet Union on Polish affairs. Excerpts from Professor Onyszkiewicz's testimony follow:

on human rights in Poland:

"As far as human rights are concerned in Poland, what one can certainly say is that, during the last several years, there was a considerable improvement, as far as individual freedoms are concerned. We won -- and I must stress this -- we won considerable freedom in what we can say, what we can write, and even in moving about. Passports are no problem, for the most part.

"But having said so, and having admitted that individual human rights are now in much better shape than say, 5, 10 years ago, I must say there has been no progress in other aspects of human rights, on rights to do something in common. For example, the right to associate, the right to have demonstrations, and first of all, trade union rights.

"... the decree of the Council of State ... prevents organizing new trade unions, and even prevents accepting the name of Solidarity. So, not only are other trade unions forbidden, but trade unions cannot take the name of Solidarity. We had a case where there were no trade unions in a place of work, and the only trade union which wanted to get organized also wanted to take the name of Solidarity. It was refused the right to be legalized.

"(There) is another important right which is denied to us: the right to have demonstrations. We could never obtain permission to organize a demonstration. To give you one example, this year we wanted to have an independent demonstration on the 1st of May. The 1st of May is our Polish Labor Day. We felt that we had the right to have an independent demonstration. We filed an application with the Polish administration authorities, stipulating that we were prepared to discuss and agree on all details concerning this demonstration.

"We were prepared to make any compromise, provided this permission would be granted. We were refused flatly and we were simply told that no independent demonstration can be accepted on any condition."

on the prospects for Solidarity:

"This is the major issue in Poland now: to have Solidarity re-legalized. I do hope that the recent breakthrough is a lasting one and will result in the re-legalization of Solidarity. But we must now see re-legalization of Solidarity as the end of a certain process. Obviously, we must see that it will be the beginning of certain very important processes, a process which must result in institutionalizing pluralism, which de facto, exists in Poland.

"I think that this re-legalization is almost a necessity, and it must be done. Whether it will happen is another problem, because unfortunately, General Jaruzelski is seen in Poland as a man of half measures."

on the symbolic importance of Solidarity:

"I don't think that people would accept a new trade union without Solidarity -- without the name. ... we tried in some places where there are no trade unions whatsoever to organize a trade union without the name Solidarity. Nobody wanted it. Solidarity is a symbol. Walesa is a symbol. And in difficult times, and we are having a most difficult time, symbols mean a lot. And a name, you know, as Chateaubriand put it some time ago, "A name means more than an army." That's why we must protect the symbols."

on the role of the police:

"Talking about human rights, I would also like to stress a very peculiar role which the police play in our system. According to the present legal system, it is up to the police to decide if a certain deed will be classified as a minor offense or serious offense. The difference is very important because if the police decide that it is a minor offense, then the case goes to misdemeanor court. And misdemeanor court has very limited possibilities for charging and sentencing people.

"For example, if one's case goes to misdemeanor court and he's accused of instigating some public unrest, or taking part in some demonstration, the maximum penalty he can get is 3 months in prison. But if the same thing happens and it is up to the police to decide, and it goes to court, the maximum penalty is much higher. It could be several years in prison."

on deficient protection of a defendant's rights in misdemeanor court:

"... the courts in Poland are divided roughly into 2 categories ... misdemeanor courts, deals with smaller offenses, ... (and) normal courts. This distinction is important because at a certain stage, most of the political articles of our Penal Code were extended to such a degree, that they can also be handled by misdemeanor courts. That can be seen as a kind of relaxation because misdemeanor courts can give smaller sentences. The risk seems somehow smaller there. But in fact, it is not because the legal protection in misdemeanor courts is extremely poor.

"In these misdemeanor courts, people have been charged and sentenced on the basis of the testimonies of one police functionary who, for example, could say, "I know that this person was involved, but I cannot reveal my sources." And this word was taken as conclusive proof of somebody's guilt.

"The other cases are even more striking, and more alarming. We had cases in our records where somebody was found guilty on the basis of a policeman stating that he saw the accused person in the vicinity of the place where leaflets were distributed, and that the accused person looked nervous. That was enough to find this person guilty.

"As you see, the legal protection in misdemeanor courts is almost non-existent. It doesn't mean that in the normal courts

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Co-Chairman Raises Questions Regarding CSCE Economic Conference

In a strongly worded congressional statement on September 22, Cochairman DeConcini expressed concern that military-security and trade issues were being permitted to dwarf the human rights dimension of the CSCE. DeConcini pointed to a proposal currently being discussed at the Vienna Review Meeting to hold an Economic Conference or Follow-up Meeting in either Czechoslovakia or West Germany.

"The follow-up activities," stated DeConcini, "will shape the course of the Helsinki process in the years to come -- a course which is in danger of being defined in precisely the same manner in which the Soviets wanted when they signed the Helsinki Final Act 13 years ago. The tragic irony is that if the United States were to join those who would hand the Soviets this triumph, it would betray our hard fought efforts to maintain human rights as the centerpiece of the Helsinki process. "Further, the Cochairman stated, "the degree to which we expand our economic relations with the Soviets and other East European countries must be paced proportionately to the degree of genuine reform we see actually being implemented. Economic cooperation should be in response to reform, not a substitute for it. Now

is just the time when we should not pursue avenues which would permit these countries to rely on our economic achievements and to put their urgently needed reforms aside." DeConcini expressed concern that an Economic Conference would give the Soviet Union a forum for attacking U.S. trade policies that control the export of sensitive technologies and the Jackson-Vanik amendment which links preferential trade status to a country's emigration performance.

The Cochairman also questioned the wisdom of fostering joint ventures at a time when breaches of our export controls have resulted in the transfer of military technologies to the Soviets. Charging that it was the environment, not trade, which required more urgent cooperation of the 35 Helsinki signatories, DeConcini claimed that pollution in Eastern Europe has become so severe that it has prompted the formation of environmental activist groups throughout the Warsaw Pact countries: "These are human rights abuses of a scale which can no longer be hidden. The CSCE states have a common responsibility to cooperate on a crisis which affects us all. Trade will survive with or without this cooperation; the environment and the victims of pollution may not."

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the legal protection is better, but at least this protection, the way the cases are being handled is seen by everybody."

on leadership changes in Poland:

"Mr. Messner unfortunately is already the fourth Prime Minister who resigned due to pressure from below, due to some unrest, due to the activities of Solidarity. It's a pity that that's the only way we really can go forward, but that's how it is. This time something more dramatic happened, because the whole government resigned. Optimistically speaking, I think -- I hope, rather -- that the resignation of this government opens the possibility to change not only the government but also to change existing policy to a policy marked by considerable opening up, by considerable political initiative."

on the role of the Soviet Union in Polish affairs:

"Soviet leaders are obviously very worried about the situation in Poland, a situation which is unstable, and which may result, if not checked in time, in a big crisis, in a big explosion in the country, which could destabilize Poland and also could have a spill-over effect. So they would like to see things put, more or less, right. To achieve that, they would accept considerable changes in Poland.

"As far as Gorbachev is concerned, . . . we know that there is a great deal of room for maneuver now. It doesn't mean that everything is possible. We know that there is a line drawn on the sand, and if we cross it, then there will be, say, heavy involvement of Soviets in Polish affairs, even intervention. It is not so that everything is possible now."

on the effect of civil unrest inside the USSR on Poland:

"What is going on in the Soviet Baltic Republics, in Azerbaijan, has no direct effect on the situation inside Poland. . . . (although) we quite agree that with the new situation in the Soviet Union, the room for maneuver in Poland is much greater.

"(However) I think that the main obstacle is not in the Soviet Union as it was very often declared in the past -- declared by people from the party. But the main obstacles are very conservative forces inside the power structure, inside the power base,

for a very good reason. Namely, economic reform challenges the vested interests of some important power groups, power pressure groups inside the establishment.

"I would see the main obstacle for the reforms, as we see it, not in the Soviet Union, but internally."

on the role of the church:

"The church must be a sort of a midwife, helping the delivery of a healthy baby. So, obviously the church will have to take an important part in this kind of appeal for restraint (on the part of the Polish people in order to implement economic reform), if we are to work out some reasonable compromise."

on the kind of political reform envisaged by Solidarity:

"Obviously we are very much in favor of having real political pluralism in the country. But because of the geo-political restraints, we're simply saying that's something for the future.

" . . . we see future development, as we put it during our National Congress, in the form of another chamber which would be freely elected but with some limits as to what this chamber would be allowed to discuss and decide on.

"We think that this chamber would not be a senate, but would be a chamber of labor. This chamber could discuss and decide legislation on social matters, on internal matters, on matters concerning local councils, and so on, maybe some legislation concerning the economy, leaving strategic economic decisions and foreign policy, defense policy, in the chamber which now exists.

"We do not think that it is realistic to expect completely free elections to this, say, political chamber. But we do think it would be completely realistic to demand and even get free elections to this chamber of labor."

Notice

*At the time of the hearing, Prime Minister Messner and his Cabinet had stepped down and a new cabinet had not yet been appointed.

Nationalities in the USSR

The nationalities issue in the Soviet Union was the subject of a Commission hearing on September 15, 1988. Testifying before the Commission were: Mr. Valery Chalidze, a MacArthur award-winning writer and publisher, currently living in Vermont, who was stripped of his Soviet citizenship in 1972 while traveling abroad; Mr. Paruir Airikyan, a prominent Armenian nationalist who was forcibly expelled from the Soviet Union in July because of his nationalist activities; Mr. Petro Ruban, a Ukrainian human rights activist; and Dr. Algirdas Statkevicius, a psychiatrist and member of the Lithuanian Helsinki Monitoring Group. All of the witnesses, with the exception of Mr. Chalidze, spent several years in Soviet prisons, camps, and/or psychiatric hospitals because of their human rights and nationalist activities. The following are excerpts from their testimonies:

VALERY CHALDIZE

an overview of the nationalities issue:

"Separatism . . . is far from being the main problem of nationality relations in the USSR. The majority of the people of non-Russian nationality has not even considered the possibility of separation from the Soviet Union. I believe these people do want, though, free development of their national culture, and protection of their national uniqueness from unification. They also want to have a voice in their solutions to their own problems.

"(There) is a lack of political autonomy, and massive persecution of almost all nationalities, including falsification of their history in order to show that they voluntarily joined Russia in the course of history, regardless of the fact that some of them were conquered by Russia.

"One of the important things in national areas of the Soviet Union, especially in Asian Republics . . . is corruption, corrupt bosses in Moscow, together with local, feudal Mafia.

"The ecological situation in the USSR generally speaking is very close to critical. (The) Russian Government must have a special responsibility because Moscow does not allow national regions to plan their economies. Such plans come from Moscow, and these economical plans are known to disregard national ecological security. The most well-known example of this is the disappearance of the Aral Sea. Poisoning of the population and the soils in Uzbekistan and Moldavia by pesticides is another example. The critical poisoning of the air in Armenia, which has reached very dangerous levels . . . is another. The salination of the soil in middle Asia is yet another instance of ecological crimes against these nations.

"Soviet authority often exhibits a type of cultural imperialism over national minorities, assuming that the traditional ways of life of minorities are not civilized enough. As a result, the national minorities are forced to change their way of life. This mostly affected the Siberian nationalities and nationalities of the north, which sometimes completely forgot their traditional way of life."

on the Soviet Government's approach to the nationalities issue:

"(The 19th Party Congress was) an attempt to cool people down. They really didn't make any drastic decisions because they're not ready to decide complicated problems. But at the same time, they tried to address the question of the Crimean Tatars, and they didn't do anything, they just tried to disguise the problem. Why? I don't know. Maybe Gorbachev is oriented

against national minorities, but I don't think it's to a large degree. What is possible is that the conservatives in the party are so strong, that he has to be careful with questions he doesn't consider of major importance."

on the U.S. attitude toward Gorbachev:

"If you would ask me what the position of your United States could be . . . I would recommend to be as patient and as supportive of Gorbachev as possible because . . . Gorbachev is the best thing that's happened to Russia in the 20th century, and one should give him a chance. It's slow. It will definitely be with advances and retreats, good in many ways.

"We have to choose what we want from Gorbachev. I think we want gradual improvement of the country, and I think Gorbachev, regardless of all retreats, can deliver gradual improvements, but, unfortunately, many people have to be patient. I don't see any other way."

PARIUR AIRIKYAN

on Armenian nationalism:

"This discussion of nationality issues is based on my long experience as a member of the National Unity Party, founded in 1966 in Yerevan. It was an underground national independence organization. Since 1974 it has tried to attain legal status and the holding of a referendum on independence for Armenia. Over the years, 100 of its members have been imprisoned.

"Last year on the basis of this organization, a new public grassroots organization, the Union for National Self-Determination, more appropriate for glasnost and *perestroika*, was formed. This new organization was founded with the knowledge of the Supreme Soviet.

"For this new organization the main principle -- not just one aim -- is national self-determination. Despite our skepticism toward democracy in a one-party system, we were ready to assist the development of these new trends, but the events of the past few months, particularly the attitude of the central authorities to the Karabakh problem -- when the democratic expression of the popular will was ignored -- showed that Moscow is neither ready for change nor for democracy.

"The basic principle of Communist rule from Lenin to Gorbachev is only to maintain Communists in power. Anything which is not sanctioned by Moscow -- even if it is in its interest -- is feared as a threat of popular initiative, and that is why the Kremlin reacted so cruelly to Karabakh, and particularly Sumgait. Gorbachev did not think the Karabakh precedent was desirable because it showed how change could be induced from below. Glasnost, without liberalization of the laws, can only lead to more crises."

on the role of world public opinion:

"Since we didn't have any means of effecting or influencing the Soviet media directly, at considerable risk to ourselves, we turned to representatives of the world media, and through them exerted indirect influence. And so, when the people of Armenia found out through Voice of America broadcasts, that the rest of the world already was informed about their situation . . . this did more to inspire and encourage them than many other things. Also, thanks to world public opinion and the press, we managed to stop the use of repressive measures."

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PETRO RUBAN

on the role of Ukrainian Communist Party leader Shcherbitsky:

"The Ukrainian Helsinki Union, which I represent here, believes that this is not an error on Gorbachev's part to keep Shcherbitsky in his post, regardless of the atrocities which he perpetrated against Ukrainians. For whether or not the restructuring succeeds, the Soviet Empire must remain intact.

"Ukraine and its nationalities issue is central to the Soviet Union economically and politically, and that is why Moscow uses special force to crush its national democratic movement, for if Moscow loses control of Ukraine, the decentralization process is inevitable. It's probably because of this imperialist thought that they're keeping Shcherbitsky as a person who knows how to deal with the elements of a national movement."

on the Soviet Government's response to Ukrainian nationalist movements:

"The State's response to the spontaneous growth of civic activism consisted of arrests, 15-day detentions, compulsory labor, and initiation of criminal cases against participants.

"What about the future? Workers, peasants, and government officials -- all are skeptical about the new promises. There is a basis for this distrust, and it is provided by Gorbachev himself, for he is clearly maneuvering, engaging in disinformation, and contradicting himself. The most contradictory element is Gorbachev's nationality policy."

on the need for Western support:

"As a member of the External Representation of the Ukrainian Helsinki Union, I ask American legislators to take into consideration the fact that the nationalities problem of the Republics in the USSR is one of the most serious problems in today's world. The force and timing of Western pressure on the Soviet leaders to exact a certain level of performance is crucial at present."

ALGIRDAS STATKEVICIUS

on his background:

"In 1951, because of my activities in defense of human and national rights I was sentenced by a military tribunal to 25 years of imprisonment in a concentration camp, and to 5 years of exile. For being in the Lithuanian Helsinki Group, I was kept in the special psychiatric hospitals of Chernyakhovsk and Tashkent, together with murderers, bandits, thieves, and other very dangerous criminals, for almost 7 years, from 1980 - 1987.

"I am a qualified physician, psychiatrist. The treatment of the inmates in the special psychiatric hospitals, both in Chernyakhovsk and Tashkent were merciless. There were many people who hanged themselves, not being able to endure the overwhelming pain brought on by the injections of drugs. Among the inmates who were in prison for political activities, I never encountered a single individual who could be regarded as psycho-

logically ill, or could be judged as even being minutely socially dangerous."

on the situation in the Baltics:

"The Soviet Union has legalized not merely a class system of apartheid, but also a national one. For example, Russians are permitted to have Russian schools in all Baltic Republics, but Lithuanians, Latvians, and Estonians are drastically forbidden to have their own language schools in the Russian Republic.

"As a result of state-sponsored practices of using slave labor-based policies, the economy of the country is constantly in a state of crisis. As a consequence of this, agriculture in the Baltic States has acquired a colonial character.

"The three oppressed and struggling Baltic nations, engaged in an unending fight for freedom and survival, are the greatest bleeding wounds left by World War II that will not heal. The only hope for healing this wound is to use the methods as outlined in the Helsinki Agreement to end the Soviet colonial rule, and thereby obtain an honorable world peace."



Chairman Hoyer greets Ukrainian activist Petro Ruban prior to a Helsinki Commission hearing on the nationality issue. Also pictured from l to r: Lithuanian Helsinki Monitor, Algirdas Statkevicius, Petro Ruban; Christina Isajiw of the World Congress of Free Ukrainians; Armenian activist Paruir Airikyan; and Chairman Hoyer.

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